

The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

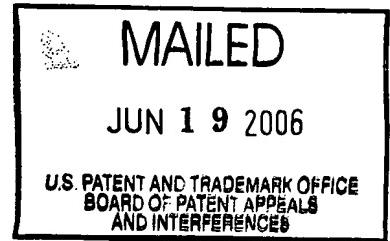
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte George E. Corbin and Joseph A. Kardash

Appeal No. 2006-0405
Application No. 09/652,065

ON BRIEF



Before BARRETT, BARRY, and SAADAT, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge*.

A patent examiner rejected claims 1-17. The appellants appeal therefrom under 35 U.S.C. § 134(a). We reverse.

I. BACKGROUND

The invention at issue on appeal concerns local data persistence for Web applications. (Spec., p. 1, ll. 15-16.) Computer applications based upon Hypertext Markup Language ("HTML") are known. In a typical configuration, a user at a client node accesses an HTML document at a server node by having an HTML client application, e.g., a Web browser, at the former node issue a request to an HTML server application at the latter node. Upon receiving such a request, the server application

retrieves the requested document and transmits it to the client application. (*Id.* at II. 20-26.)

Besides text or graphics to be displayed, a returned HTML document may contain areas for entry of data by a user. (*Id.* at II. 29-20.) Such an HTML page needs data persistence to avoid losing the user's data between invocations. (*Id.* at p. 2, II. 1-3.)

Accordingly, the appellants' invention operates as follows. A user wanting to save data for a browser session with a Web application clicks a "Save" button. The application dynamically creates a new file, which contains a Javascript function that is loaded whenever the user returns to the browser session. Once the page is created, the user is prompted to save the page locally. On returning to the application, the user is prompted for the location of the saved file. The user enters the location, and the application loads the file and runs its function. The application resumes at the state in which the user left it, with all previous data and at the same point in the processing. (*Id.*, p. 7, II. 1-12.)

A further understanding of the invention can be achieved by reading the following claims.

1 . In an information handling system in which a client application displays a first hypertext document to a user for entry of user data, said client application having a function for locally saving displayed documents, a method of providing local data persistence for said client application, said method being performed by said client application and comprising the steps of:

receiving user data from said user;

receiving a save command from said user to save said user data;
and

in response to receiving said save command, dynamically creating a new hypertext document containing said user data and displaying a message prompting the user to save the new document using said function for locally saving displayed documents, said new hypertext document containing a script function that becomes active when said new hypertext document is loaded to perform a desired restoration function.

13. The method of claim 1 in which said script function becomes active when loaded to repopulate the first hypertext document with said user data.

Claims 1-17 stand rejected under 35 U.S.C. § 102(b) as anticipated by *Internet Explorer 5.0, Part III: Persistence - Doc JavaScript ("WebRefence")*, Aug. 28, 1998, <http://webreference.com/js/column24/>.

II. OPINION

"R]ather than reiterate the positions of the examiner or the appellants *in toto*, we focus on the point of contention therebetween." *Ex parte Muresan*, No. 2004-1621, 2005 WL 951659, at *1 (Bd.Pat.App & Int. Feb 10, 2005). The examiner asserts that WebReference "teach[es] . . . in response to receiving a save command dynamically creating a new hypertext document (i.e. the locally saved file utilizing the 'Save As' functionality or by another way such as the 'Save Button' which maintains the persistent variables) containing the user data and displaying a message prompting the user to save the new document using said functionality for locally saving documents (WebReference: Pages 16-17¹)."¹ (Examiner's Answer at 6.) The appellants argue, "WebReference does not teach dynamically creating a new hypertext document containing user data and displaying a message prompting the user to save the new document using a local save function as claimed by applicants." (Appeal Br. at 7.)

In addressing the point of contention, the Board conducts a two-step analysis. First, we construe the independent claims at issue to determine their scope. Second, we determine whether the construed claims are anticipated.

¹The examiner has numbered pages of his printout of the WebReference. We will also cite to these pages.

A. CLAIM CONSTRUCTION

"Analysis begins with a key legal question — *what is the invention claimed?*"

Panduit Corp. v. Dennison Mfg. Co., 810 F.2d 1561, 1567, 1 USPQ2d 1593, 1597 (Fed. Cir. 1987). In answering the question "[t]he Patent and Trademark Office (PTO) must consider all claim limitations when determining patentability of an invention over the prior art." *In re Lowry*, 32 F.3d 1579, 1582, 32 USPQ2d 1031, 1034 (Fed. Cir. 1994) (citing *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983)).

Here, independent claim 1 recites in pertinent part the following limitations: "in response to receiving said save command, dynamically creating a new hypertext document containing said user data and displaying a message prompting the user to save the new document using said function for locally saving displayed documents. . ." Independent claims 6 and 9 recite similar limitations. Considering the limitations, especially the relation therebetween, the independent claims require responding to a save command by creating a new hypertext document and displaying a message prompting the user to save the new document.

B. ANTICIPATION DETERMINATION

"Having construed the claim limitations at issue, we now compare the claims to the prior art to determine if the prior art anticipates those claims." *In re Cruciferous Sprout Litig.*, 301 F.3d 1343, 1349, 64 USPQ2d 1202, 1206 (Fed. Cir. 2002). "[A]n invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed.Cir. 1989) (citing *Perkin-Elmer Corp. v. Computervision Corp.*, 732 F.2d 888, 894, 221 USPQ 669, 673 (Fed. Cir. 1984); *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 771-72, 218 USPQ 781, 789 (Fed. Cir. 1983)). "[A]bsence from the reference of any claimed element negates anticipation." *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571, 230 USPQ 81, 84 (Fed. Cir. 1986).

Here, WebReference explains that "Internet Explorer 5.0 introduces *saveSnapshot*, a Behavior that enables persistence of an HTML file when you save it onto your hard disk. This Behavior is specifically targeted towards persistence of form data. . ." P. 16. A user fill in a form and saves this filled-in form to his hard disk. *Id.* He saves the form by "[s]elect[ing] the Save As option from the form window's File menu," *id.*, and "[c]hoos[ing] HTML Only file type." *Id.* Although the Save As option

constitutes a "save command" as claimed, we are unpersuaded that Internet Explorer 5.0 responds to the Save As command by creating a new hypertext document. To the contrary it merely saves the original form document, with the user's filled-in data..

The absence of responding to a save command by creating a new hypertext document and displaying a message prompting the user to save the new document negates anticipation. Therefore, we reverse the rejection of claims 1, 6, and 9 and of claims 2-5, 7, 8, and 10-17, which depend therefrom.

III. CONCLUSION

In summary, the rejection of claims 1-17 under § 102(b) is reversed.

REVERSED



LEE E. BARRETT
Administrative Patent Judge

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BOARD OF PATENT
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